

REMARKS

In view of the above amendments and following remarks, reconsideration and further examination are requested.

Claims 1, 4, 10 and 16 have been amended and claims 2 and 3 have been canceled.

Claims 1-17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention; claims 1, 2 and 4-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hirano et al.; and claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano et al. in view of Kent et al. These rejections are respectfully traversed in part, and the relied upon references are not applicable with regard to the currently amended claims for the following reasons.

Initially, with regard to 35 U.S.C. § 112, second paragraph, rejection, it is respectfully submitted that the claims are in full compliance with 35 U.S.C. § 112, second paragraph, in that one having ordinary skill in the art would fully understand that the claims are directed to an apparatus for mounting a component onto a substrate, and that the recitation in the body of the claims of the "component" and the "substrate" is provided so as to explain how the apparatus is intended to operate. The claims are drawn to the apparatus, and not a combination of the apparatus and the component and substrate. Accordingly, it is respectfully submitted that the 35 U.S.C. § 112, second paragraph, rejection should not be maintained.

Each of independent claims 1, 4, 10 and 16 are believed to not be anticipated by Hirano et al.

In this regard, claim 1 requires that the controller is for

correcting a position of said holder relative to the substrate, when the component is held by said holder and said controller makes the judgement that said holder would make an interference with the another component mounted on the substrate were the component held by said holder attempted to be mounted onto the substrate.

Hirano et al. does not disclose or suggest an apparatus including a controller for correcting a position of a holder relative to a substrate onto which a component, held by the holder, is to be mounted.

Specifically, as indicated in Fig. 6, Hirano et al. discloses that a determination is made as to whether any interference would occur between holder 40(11) and mounted component 46(12a) by comparing the height of the mounted component 46(12a) and the component 45(12) held by the holder 40(11) (at step S1 in Fig. 7). Another determination is made as to whether such interference would occur by comparing distance q between edges of the holder 40(11) and the held component 45(12) and distance r between edges of the mounted component 46(12a) and the held component 45(12) (at step S2 in Fig. 7). Based upon these determinations (S1, S2), if both results of the determinations are negative, a mounting operation is halted and/or an alarm signal is generated. Thus, if it is determined that any interference would occur, the component 45(12) is not mounted onto the substrate. Accordingly, there is no teaching in Hirano et al. of a controller for **correcting a position of a holder relative to a substrate** when it is determined that the holder would make an interference with a component mounted on the substrate, as required by claim 1.

The Examiner recognizes that Hirano et al. is silent with regard to correcting a position of a holder relative to a substrate when it is determined that the holder would make an interference with a component mounted on the substrate, and thus concludes that it is inherent when the mounting operation is stopped that the component intended to be mounted is corrected, adjusted or removed from the nozzle. Presumably, this correction or adjustment of the component would include correcting a position of the holder relative to the substrate. In any event, the conclusion reached by the Examiner is respectfully submitted to be in error.

In this regard, in relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. *Ex parte Levy*, 17 USPQ2d 1461, 1464. The Examiner has provided no basis for determining that when the mounting operation is halted the position of the holder relative to the substrate is corrected,

and accordingly, it is respectfully submitted that claim 1 (former claim 2) is not anticipated by Hirano et al.

Similarly, claim 4 is not anticipated by Hirano et al., because nowhere does Hirano et al. disclose or suggest a controller for **correcting a displacement of a component relative to a holder**, nor does such correction necessarily flow from the teachings of Hirano et al. For analogous reasons, claim 10 is also not anticipated by Hirano et al.

Claim 16 requires that the controller is for making a judgement as to whether a holder would make an interference with another component mounted on a substrate, were a component held by the holder to be mounted onto the substrate, by performing specific operations of

- (i) defining a reference area for the another component mounted on the substrate,
- (ii) *assuming that a displacement of the component relative to said holder is corrected*, and
- (iii) determining whether at least a portion of said holder falls outside the reference area.

In Hirano et al. there is no teaching or suggestion that one of the operations to be performed by the controller thereof, in determining whether interference would be made between the holder 40(11) and component 46(12a), is “assuming that a displacement of the component 45(12) relative to the holder is corrected”. Indeed, as expressed previously, there is no discussion in Hirano et al. of, nor does it necessarily flow from the teachings of Hirano et al. that, a displacement of the held component is corrected relative to the holder. Thus, claim 16 is also not anticipated by Hirano et al.

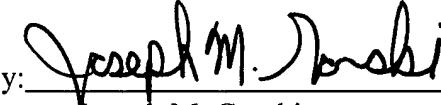
Kent et al. does not resolve any of the above deficiencies of Hirano et al., and accordingly, claims 1 and 4-17 are allowable over these references either taken alone or in combination.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early Notice of Allowance is earnestly solicited.

If after reviewing this Amendment, the Examiner believes that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the Applicants' undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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January 3, 2007